**HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI**
**AND**
**HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY**

**Writ Appeal No.203 of 2007**

**Between:**

Osmania University, Hyderabad
Rep. by its Registrar

... Appellants

**And**

Jagruti Degree and P.G. College,
Hyderabad, rep. by its Principal
and Correspondent and another

... Respondents

Counsel for the appellant: Shri Deepak Bhattacharjee

Counsel for respondent No.1: Shri D. Prakash Reddy,
Senior Advocate assisted by
Shri N. Rajeswara Rao

Counsel for respondent No.2: Shri C. Sudesh Anand

**::JUDGMENT::**

**March 05, 2007**

**Per G.S. Singhvi, CJ**

This appeal is directed against order dated 19-2-2007 passed by the learned Single Judge in WPMP.No.3904 of 2007 in Writ Petition No.3043 of 2007, whereby he directed the appellant-University to permit the students of B.Sc. (Bio-technology, Bio-Chemistry, Chemistry-M.B.BT.Ch) courses and B.Sc. (Microbiology,

Bio-Chem, Chem – M.B.BC.Ch) courses to appear in practical and theory examinations commencing from
23-2-2007 with the rider that the result shall not be announced till further orders.

Shri Deepak Bhattacharjee made strenuous efforts to persuade us to set aside the order under challenge by arguing that respondent No.1 admitted the students for the current session in clear disregard of the order of the status quo passed by this Court. Learned counsel emphasized that respondent No.1 is habitual of violating the statutory provisions and the orders of the Court and argued that the learned Single Judge gravely erred by directing the university to allow the students illegally admitted by respondent No.1 to take the examination. He submitted that if the Court so permits, the university will distribute the students of respondent No.1 college to other institutions and allow them to take the examination.

Shri D. Prakash Reddy, learned senior counsel appearing for respondent No.1 argued that the order under challenge is interlocutory in nature and does not call for interference under Clause 15 of the Letters Patent because no prejudice will be caused to the appellant university by allowing the students to take the examination. Learned counsel submitted that the rider put by the learned Single Judge sufficiently safeguards any possibility of erosion in the system of value-based education.

We have considered the respective submissions. Since the main petition is pending adjudication before the learned Single Judge, we do not consider it proper to express any opinion on the merits and demerits of the case set up by the parties. However, keeping in view the fact that the career of the students who have been admitted in respondent No.1 college may not be jeopardized on account of tussle between the parties, we are not inclined to interfere with the order under challenge more so because the learned Single Judge has directed that result of the examination to be taken pursuant

to the Court's order shall not be announced.

For the reason stated above, the appeal is dismissed. However, keeping in view the long list of cases involving respondent No.1, we deem it proper to request the learned Single Judge to take up the main petition along with other cases for final hearing.

The Registry is directed to list the case before the learned Single Judge on 12-3-2007.

As a sequel to dismissal of the appeal, WAMP No.370 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

**G.S. SINGHVI, CJ**

**C.V. NAGARJUNA REDDY, J**

March 05, 2007
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